

### REMARKS

Reconsideration of the above identified application in view of the preceding amendments and following remarks is respectfully requested. Claims 1-14 are pending in this application.

In the Office Action, the Examiner objected to the drawings because the figures required legends. In response thereto, Figures 1 and 2 have been amended to include legends and the replacement sheets are submitted herewith.

The specification was objected to as requiring a new title. In this regard, this amendment has changed the title to be commensurate in scope with the claims.

In the Office Action, Claims 1-14 were rejected under 35 U.S.C. § 103 (a) over U.S. Patent No. 6,549,240 to Reitmeier.

Reitmeier discloses a video decoder 120 that receives a digital television signal and produces a decoded video signal. An optional de-interlacer 130 converts the video signal from an interlaced format to a progressive scan format. A vertical resizer 140 and a horizontal resizer 150 are used to convert the picture format. The resized and de-interlaced signal is fed into a frame buffer 160 for storing the video information.

As noted by the Examiner, Reitmeier does not disclose a video decoder that acts on the video signal with graphical picture elements and text characters. However, the Examiner took Official Notice that overlaying graphical picture elements and text characters onto a video signal, as claimed, is a very well known procedure in the art and, thus, an artisan would be motivated to implement this feature in Reitmeier's apparatus to arrive at the claimed invention.

The applicant's respectfully submit that the Examiner's Official Notice is not properly taken. The applicant's direct the Examiner's attention to U.S. Patent No.

6,144,412 to Hirano et al. as exemplary. Hirano et al. was cited in the Notice of References Cited. Hirano et al. implement a multiplexing unit 9 for overlaying the video signal with graphical picture elements and text characters such as an on-screen display after the completion of the signal processing (e.g., the frame rate conversion). This approach of placing the multiplexing unit 9 adjacent to the display is known to those of ordinary skill in the field. Thus, performing any frame rate conversion after the on-screen display is overlaid is not shown in any prior art of which the applicants are aware. The applicants hereby seasonably traverse such Official Notice and request evidence in support of same in the event that the rejections are maintained.

For the sake of argument, even if the Official Notice taken by the Examiner were appropriate, the subject claims would not be rendered obvious. In particular, there is nothing in Reitmeier that discloses or suggests, in whole or in part, the signal processing unit defined by Claim 1 and the method defined by Claim 8 of the subject application. In particular, there is nothing in Reitmeier which discloses or suggests, a signal processing unit or method that includes, *inter alia*, acting on a video signal that includes graphical picture elements and text characters to produce a signal that is then processed to produce an increased frame rate video signal. Consequently, all graphics operations can be performed at the lower frame rate and a single circuit is used to perform the frame rate conversion. As a result, a second circuit to perform frame rate conversion on the on-screen display is not required.

Further, as the Examiner must know "The mere fact that a worker in the art *could* rearrange the parts of the reference to meet the terms of the claims... is not by itself sufficient to support a finding of obviousness. *The prior art must provide a motivation or reason* for the worker in the art, *without benefit of [the] specification*, to make the necessary changes in the reference device." Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter, *emphasis added*). Indeed, Reitmeier

provides no such motivation or reason and it is black letter law that it is impermissible for the Examiner to read teachings into a reference which are simply not there. Accordingly, for this additional reason the subject claims are not rendered obvious by Reitmeier.

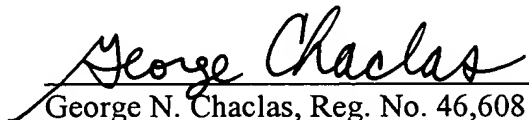
In view of the above, Claims 1, 2-7 by virtue of their dependency upon Claim 1, 8 and 9-14 by virtue of their dependency upon Claim 8 are not rendered obvious by the combination of references cited by the Examiner, and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Any additional fees or overpayments due as a result of filing the present paper may be applied to Deposit Account No. 04-1105. It is respectfully submitted that all of the claims now remaining in this application are in condition for allowance, and such action is earnestly solicited.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

Respectfully submitted,

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